

Commission Response to Complaints of Discrimination Involving Persons who are Gay, Lesbian, Bisexual, or Transgender

The purpose of this policy is to codify longstanding practice; not to implement a change in Commission policy. It is the intent of the Columbus Human Rights Commission to respond to discrimination complaints from persons who are gay, lesbian, bisexual or transgender consistent with Sections 2.58.010 et seq., 9.24.020 et seq. and 9.28.010 et seq. of the City of Columbus Municipal Code, and consistent with its mission statement:

To lead Columbus in building and maintaining an inclusive community by:

- **Enforcing the Human Rights Ordinance**
- **Educating the Public**
- **Challenging attitudes and systems that create barriers to equality**
- **Empowering community members to advance this mission.**

The Commission has a three-pronged response to discrimination complaints from persons who are gay, lesbian, bisexual or transgender. After an intake interview is conducted, the Commission staff may recommend one or more of the following processes to the complaining party and the complaining party shall make the final decision as to how he or she wishes to proceed:

1. Formal Complaints:

The City of Columbus Municipal Code currently defines “discriminatory practice” as the “exclusion of an individual from equal opportunity because of race, religion, color, sex, disability, national origin, ancestry...” (Ch.9.24.010) Therefore, the Commission currently does not accept complaints alleging sexual orientation discrimination. Nor does the Indiana Civil Rights Statute, the federal Fair Housing Act, or Title VII of the federal Civil Rights Act include sexual orientation as a protected class and therefore the Commission cannot assist persons complaining of sexual orientation discrimination in filing with state or federal agencies.

It is important to note, however, that sexual harassment discrimination is defined in Ch. 9.24.050 of the City of Columbus Municipal Code and part of that definition includes “... verbal or physical conduct of a sexual nature ...[that] has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment...” Also, sex discrimination is defined in Ch.9.24.040 of the City of Columbus Municipal Code and part of that definition includes “... a written or unwritten act, policy, practice or system which excludes an individual from equal opportunities on the basis of sex or because of sex in any terms or conditions of employment, education, public accommodations, credit or housing ...” These definitions of sex discrimination and sexual harassment are enforceable regardless of the sexual orientation of the alleged victim and/or the alleged wrongdoer. Caselaw has affirmed that the legal definitions of sex discrimination and sexual harassment are not dependent on the sex or sexual orientation of the parties involved. Therefore, the Commission has taken same sex discrimination and harassment discrimination complaints and will continue to take sex discrimination and sexual harassment complaints, regardless of sex and sexual orientation.

2. Informal Complaint Information Gathered:

In 1997, Sandra Leek, the Executive Director of the Indiana Civil Rights Commission asked local agencies to begin gathering data on sexual orientation complaints and send the data to the Indiana Civil Rights Commission. At the same time, the Indiana Civil Liberties Union began gathering the same data. Therefore, the Human Rights Commission encourages any community member complaining of sexual orientation discrimination or harassment to contact the Columbus Human Rights Commission to provide information on any act of sexual orientation discrimination. The Commission uses forms provided by the Indiana Civil Rights Commission and the Indiana Civil Liberties Union and will continue to do so. Any person making a complaint to these agencies may choose anonymity or may choose to provide

identifying information. The Commission requests permission from the complaining party before sending information to the Indiana Civil Rights Commission and the Indiana Civil Liberties Union, and will continue to do so. The Commission also maintains the data in this office.

3. Membership in the Indiana Hate Crimes Reporting Network:

The Columbus Human Rights Commission has been a member of the Indiana Hate Crimes Reporting Network since the Network was organized by the Indiana Civil Rights Commission and the Indiana State Police. As a member of the network, and with the permission of the complaining party, the Commission transmits any information received regarding any potential hate crime to the Indiana Civil Rights Commission, which then reports the information to the FBI and the Indiana State Police. Hate Crimes are defined by federal and state law to include bias crimes against a person because of sexual orientation. The Commission also maintains its own record of potential bias crimes that have been reported.

-- adopted by Commission July 25, 2001